

**Planning Commission Meeting  
February 15, 2017**

1. Chairman Plummer **called the meeting to order** at 6:00 PM.

2. **ROLL CALL:** Commissioners present: Daniel Cross  
Michele Hutchinson  
Bill Lyons  
Kelye McKinney  
Michael Roberts  
Kristian Watford  
Brian Plummer  
Staff members present: Matt Wheeler, Director of Community Development  
Jim Bermudez, Development Services Division Manager  
Steve Prosser, Senior Planner  
Leslie Walker, Assistant City Attorney

3. **PLEDGE OF ALLEGIANCE** – led by Commissioner McKinney

4. **CITIZENS ADDRESSING THE COMMISSION ON MATTERS NOT ON THE AGENDA**

Chairman Plummer asked if there were any citizens wishing to address the Commission regarding matters not on the agenda. There were none.

5. **CONSENT AGENDA**

5A. Motion: (Offered by Commissioner Lyons, seconded by McKinney) to approve the consent agenda item 5A Minutes of the meeting on January 18, 2017.

Vote: (7/0: Lyons, McKinney, Cross, Hutchinson, Roberts, Watford, Plummer) and the motion was adopted.

AYES: COMMISSIONER: Lyons, McKinney, Cross, Hutchinson, Roberts, Watford, Plummer

NOES: COMMISSIONER:

ABSTAINED: COMMISSIONER:

ABSENT: COMMISSIONER:

**5B & 5C. DESIGN REVIEW REQUEST FOR A TWO-FAMILY (DUPLEX) RESIDENCE TO BE LOCATED AT 755 A STREET AND 767 A STREET.**

Steve Prosser, Senior Planner presented item 5B. Mr. Prosser offered opening remarks, background information and general updates on the project. Mr. Prosser explained that the zoning designation is R-3 (Multiple Family Residential). Mr. Prosser explained that the Design Review Board reviewed the project previously in September of 2016. Mr. Prosser noted that at that time, the Board noted a number of concerns. Mr. Prosser explained that the applicant has submitted revised project plans that incorporated tandem parking along the edges of the property in order to create a central courtyard area between the dual covered porches and the landscape area between the dual driveways. Mr. Prosser stated that that applicant revised the plans to address some of the requested changes, however the applicant did not address all of the concerns so in carrying forward the Board's recommendations, a condition of approval has been added requiring the applicant to revise building plans and incorporate decorative stone or brick wainscot along the front elevation and porch column bases. Mr. Prosser stated that the Community Development Director shall ensure the condition is satisfied prior to issuance of any building permit for the property. Following the presentation by Mr. Prosser, Chairman Plummer asked the Commission if they had any questions. A discussion ensued between the Commission and City Staff. Mr. Prosser heard Commission members' comments, answered questions and provided clarification.

Following the discussion, Chairman Plummer asked if there was a motion to approve the first of the two resolutions.

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Motion: (Offered by Commissioner McKinney, seconded by Commissioner Hutchinson) to approve RESOLUTION NO: 2017-01 – A RESOLUTION APPROVING A DESIGN REVIEW TO ALLOW THE CONSTRUCTION OF A DUPLEX LOCATED AT 755 A STREET.

Vote: (7/0: McKinney, Hutchinson, Cross, Lyons, Roberts, Watford, Plummer)

AYES: Commissioner: McKinney, Hutchinson, Cross, Lyons, Roberts, Watford, Plummer

NOES: Commissioner:

ABSTAINED: Commissioner:

ABSENT: Commissioner:

Following the approval of the first resolution, Chair Plummer asked if there was a motion to approve the second resolution.

Motion: (Offered by Commissioner McKinney, seconded by Commissioner Hutchinson) to approve RESOLUTION NO: 2017-02 – A RESOLUTION APPROVING A DESIGN REVIEW TO ALLOW THE CONSTRUCTION OF A DUPLEX TO BE LOCATED AT 767 A STREET.

Vote: (7/0: McKinney, Hutchinson, Cross, Lyons, Roberts, Watford, Plummer)

AYES: Commissioner: McKinney, Hutchinson, Cross, Lyons, Roberts, Watford, Plummer

NOES: Commissioner:

ABSTAINED: Commissioner:

ABSENT: Commissioner:

## **6. PUBLIC MEETING**

### **A. REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW BEER AND WINE SALES FOR ON-SITE CONSUMPTION ASSOCIATED WITH A RESTAURANT TO BE LOCATED AT 900 STERLING PARKWAY, SUITE 10.**

Steve Prosser, Senior Planner presented item 6A. Mr. Prosser offered opening remarks, background information and general updates on the project. Mr. Prosser explained that the previous tenant for this space had applied for a Conditional Use Permit in September of 2012 for a Type 41 license, but unfortunately the business went under and the tenant space has been vacant for more than a year. Mr. Prosser explained that in order to re-establish a new restaurant use on site with beer and wine sales, the current applicant is required to apply for a new alcohol license and Conditional Use Permit. Mr. Prosser noted that the current Conditional Use Permit application is strictly for the sale of alcohol for onsite consumption associated with a restaurant/brewpub.

Mr. Prosser states that staff is recommending as a condition of project approval that the applicant restrict the outdoor use to 8:00 a.m. to 10:00 p.m. daily. Mr. Prosser noted that prior to re-establishing the outdoor seating area; the applicant would be required to submit an outdoor seating plan to the satisfaction of the Community Development Director, Police Chief and the California Department of Alcohol Beverage Control.

Following the presentation by Mr. Prosser, Chairman Plummer asked the Commission if they had any questions. A discussion ensued between the Commission and City Staff. Mr. Prosser heard Commission members' comments, answered questions and provided clarification.

Chairman Plummer then opened the public comment period at 6:15 p.m.

There were none. The public comment period was closed at 6:16 p.m.

Following the public comment period, Chairman Plummer asked if there was a motion to approve Resolution 2017-03 – A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE ON-

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SITE SALE AND CONSUMPTION OF BEER AND WINE ASSOCIATED WITH A RESTAURANT USE, LOCATED AT 900 STERLING PARKWAY, SUITE 10, ON APN: 330-180-035.

Motion: (Offered by Commissioner Cross, seconded by Commissioner Lyons) to approve the Conditional Use Permit for the on-site sale and consumption of beer and wine located at 900 Sterling Parkway, Suite 10.

Vote: (7/0: Cross, Lyons, Hutchinson, McKinney, Roberts, Watford, Plummer)

AYES: Commissioner: Cross, Lyons, Hutchinson, McKinney, Roberts, Watford, Plummer

NOES: Commissioner:

ABSTAINED: Commissioner:

ABSENT: Commissioner:

## **B. REQUEST FOR A CONDITIONAL USE PERMIT FOR A TEMPORARY MODULAR BUILDING ON THE ST. JOSEPH'S PARISH HALL PROPERTY LOCATED AT 416 SIXTH STREET.**

Jim Bermudez, Development Services Manager presented item 6B. Mr. Bermudez offered opening remarks, background information and general updates on the project. Mr. Bermudez explained that St. Joseph Church is seeking a Conditional Use Permit that would continue allowing an existing 960 square foot temporary classroom/office on the Parish Hall property located at 416 Sixth Street. Mr. Bermudez explained that the permit was approved for a five (5) year period after which time the permit would be subject to review for renewal. Mr. Bermudez noted that nearing the end of the initial term, the Planning Commission approved an extension of the permit for an additional five years expiring in March 2013. Mr. Bermudez explained that while seeking a permit for an electrical panel, it was determined that the previously approved permit expired. Mr. Bermudez stated that staff was able to assist the church with the understanding that a new permit was needed for the existing structure.

Mr. Bermudez explained that the church has constructed a new facility at the current Oak Tree Lane site, but continues to need ancillary space. Mr. Bermudez noted that St. Joseph Church have expressed a desire to continue the use of the temporary structure for an additional two years, or until December 2018.

Following the presentation by Mr. Bermudez, Chairman Plummer asked the Commission if they had any questions. A discussion ensued between the Commission and City Staff. Mr. Bermudez heard Commission members' comments, answered questions and provided clarification.

Chairman Plummer then opened the public comment period at 6:26 p.m.

There were none. The public comment period was closed at 6:27 p.m.

Following the public comment period, Chairman Plummer asked if there was a motion to approve Resolution 2017-04 – A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A MODULAR BUILDING FOR CLASSROOM PURPOSES, ST. JOSEPH'S PARISH HALL, 416 SIXTH STREET ON APN: 008-163-005.

Motion: (Offered by Commissioner Lyons, seconded by Commissioner Roberts) to approve the Conditional Use Permit for the operation of a modular building for classroom purposes for St. Joseph's Parish Hall, 416 Sixth Street

Vote: (7/0: Lyons, Roberts, Cross, Hutchinson, McKinney, Watford, Plummer)

AYES: Commissioner: Lyons, Roberts, Cross, Hutchinson, McKinney, Watford, Plummer

NOES: Commissioner:

ABSTAINED: Commissioner:

ABSENT: Commissioner:

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**C. DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF LINCOLN AND WESTPARK LR, LLC RELATIVE TO THE DEVELOPMENT KNOWN AS THE WESTERN PLACER EDUCATION FOUNDATION RESIDENTIAL DEVELOPMENT LOCATED IN TWELVE BRIDGES SPECIFIC PLAN AREA. *APPLICANT IS REQUESTING A CONTINUANCE OF THIS ITEM TO A DATE CERTAIN OF MARCH 15, 2017.***

Chairman Plummer stated that item 6C was being requested as a continuance to a date certain of March 15, 2017. He asked the Commission if they had any questions. There were none.

Chairman Plummer than opened the public comment period at 6:36 p.m. There were none.

The public comment period was closed at 6:37 p.m.

Following the public comment period, Chairman Plummer asked if there was a motion to approve the continuance of Item 6C to a date certain of March 15, 2017.

Motion: (Offered by Commissioner Lyons, seconded by Commissioner Roberts) to approve the continuance of Item 6c: DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF LINCOLN AND WESTPARK LR, LLC RELATIVE TO THE DEVELOPMENT KNOWN AS THE WESTERN PLACER EDUCATION FOUNDATION RESIDENTIAL DEVELOPMENT LOCATED IN TWELVE BRIDGES SPECIFIC PLAN AREA.

Vote: (7/0: Lyons, Roberts, Cross, Hutchinson, McKinney, Watford, Plummer)

AYES: Commissioner: Lyons, Roberts, Cross, Hutchinson, McKinney, Watford, Plummer

NOES: Commissioner:

ABSTAINED: Commissioner:

ABSENT: Commissioner:

**D. DEVELOPMENT AGREEMENT FOR TURKEY CREEK ESTATES SUBDIVISION PROJECT WITHIN THE VILLAGE 1 SPECIFIC PLAN AREA.**

Matt Wheeler, Community Development Director presented item 6D. Mr. Wheeler offered opening remarks, background information and general updates on the project. Mr. Wheeler explained that this project would benefit the City through the construction of 391 single family home lots. Mr. Wheeler noted that the term of the Development Agreement is specified as twenty (20) years. Mr. Wheeler explained that the Developer agrees to pre-pay the wastewater connection fee for each unit within a small lot final map at time of recordation of the small lot final map. Mr. Wheeler further explained that neighborhood parks with the V1SPA will be constructed by developers as part of the V1SPA obligations. Mr. Wheeler stated that the Developer also agreed to enter into an agreement to provide advance funding for interim monitoring and maintenance until such time as the Maintenance CFD is performing. Mr. Wheeler stated the Developer has agreed to pay a one-time "gap funding" fee to offset the costs of maintenance on existing roadways and infrastructure within the V1SPA. Mr. Wheeler stated that the Developer had also agreed to provide "gap funding" for interim public services until such time as the Service CFD is performing.

Mr. Wheeler concluded by stating that the Turkey Creek Estates development project will require various actions before the development may commence which included approval of the final map, improvement plan approvals and specific development plan/development permits. Mr. Wheeler noted that approval of the proposed project would allow Turkey Creek Estates to proceed with fee participation and construction within the V1SPA.

Following the presentation by Mr. Wheeler, Chairman Plummer asked the Commission if they had any questions. A discussion ensued between the Commission and City Staff. Mr. Wheeler heard

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Commission members' comments, answered questions and provided clarification.

Chairman Plummer then opened the public comment period at 7:10 p.m.

Price Walker, Applicant for Elliott Homes explained that the Development Agreement is a requirement of the Specific Plan and it is just another step in the process. Mr. Walker thanked Steve Ambrose, Matt Wheeler and Leslie Walker for all of their assistance in getting them to this point.

Chairman Plummer asked if there were any other public comments, there were none. Chairman Plummer closed the public comment period at 7:12 p.m.

Chairman Plummer then asked the Commission if they had any questions prior to requesting a motion to approve item 6D. A discussion ensued between the Commission and City Staff.

Following the discussion, Chairman Plummer asked if there was a motion to approve the first of the two resolutions.

Motion: (Offered by Commissioner McKinney, seconded by Commissioner Hutchinson to approve Resolution 2017-05 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LINCOLN RECOMMENDING THAT THE CITY COUNCIL DETERMINE THE TURKEY CREEK ESTATES PROJECT DEVELOPMENT AGREEMENT IS EXEMPT FROM CEQA AND NO FURTHER CEQA ANALYSIS IS REQUIRED.

Vote: (7/0: McKinney, Hutchinson, Cross, Lyons, Roberts, Watford, Plummer)

AYES: Commissioner: McKinney, Hutchinson, Cross, Lyons, Roberts, Watford, Plummer

NOES: Commissioner:

ABSTAINED: Commissioner:

ABSENT: Commissioner:

Following the first resolution, Chairman Plummer asked the Commission if there was a motion to approve the second resolution.

Motion: (Offered by Commissioner McKinney, seconded by Commissioner Watford to approve Resolution 2017-06 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LINCOLN RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE FOR THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF LINCOLN, A MUNICIPAL CORPORATION AND ELLIOTT HOMES INCORPORATED RELATIVE TO THE DEVELOPMENT KNOWN AS THE TURKEY CREEK ESTATES PROJECT.

Vote: (7/0: McKinney, Watford, Cross, Hutchinson, Lyons, Roberts, Plummer)

AYES: Commissioner: McKinney, Watford, Cross, Hutchinson, Lyons, Roberts, Plummer

NOES: Commissioner:

ABSTAINED: Commissioner:

ABSENT: Commissioner:

## **7. GENERAL BUSINESS**

### **A. DESIGN REVIEW MODIFICATION REQUEST FOR THE SUMMERSET MEMORY CARE AND ASSISTED LIVING FACILITY LOCATED AT 550 SECOND STREET AND 567 THIRD STREET**

Jim Bermudez, Development Services Manager presented item 7A. Mr. Bermudez offered opening remarks, background information and general updates on the project. Mr. Bermudez explained that during the inspection a number of design discrepancies, incomplete items, or items added to the building design were discovered. In particular, the deviations are from Condition of Approval #4 (downspouts and elimination of horizontal siding) and Condition of Approval #5 (mechanical

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equipment). Mr. Bermudez stated that it was staff's recommendation to uphold the previously approved Planning Commission resolution 2013-020, which would require the downspouts to be constructed per the approved plan; the siding to be installed on the southern elevation and the wall mounted hood vent to be located on the roof.

Following the presentation by Mr. Bermudez, Chairman Plummer asked the Commission if they had any questions. A discussion ensued between the Commission and City Staff. Mr. Bermudez heard Commission members' comments, answered questions and provided clarification.

Chairman Plummer than opened the public comment period at 7:58 p.m.

There were none. The public comment period was closed at 7:59 p.m.

At the request of the Commission, the applicant addressed the Commission and provided background information and clarification.

Rick Beasley, Applicant explained that it was never the intent to disregard the Conditions of Approval. Mr. Beasley explained that he thought the matter of the rain gutters was resolved, but unfortunately the architect that he was working with passed away mid-way into the project. Mr. Beasley explained that placing the gutters inside the walls would be a disaster. Mr. Beasley explained that the current facility houses memory care patients and loud noise or any noise can sometimes be very traumatic. Mr. Beasley explained that the placement of the outside vent came up late in design and there was a concern about condensation coming down the side of the building. Mr. Beasley explained that siding was just a design choice to not put it on the building. Mr. Beasley stated that they went through with good intent.

Chairman Plummer asked the Commission if they had any questions prior to requesting a motion to approve item 7A. A further discussion ensued between the Commission and City Staff

Following the discussion, Chairman Plummer asked if there was a motion to approve the new proposed resolution.

Motion: (Offered by Commissioner Watford, seconded by Commissioner Cross to approve Resolution 2017-07 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LINCOLN TO MODIFY THE PLANNING COMMISSION RESOLUTION #2013-020 FOR THE SUMMERSET ASSISTED LIVING AND MEMORY CARE FACILITY TO ALLOW THE DOWNSPOUTS TO REMAIN ON THE EXTERIOR OF THE BUILDING AS BUILT AND TO ALLOW THE EXTERIOR VENT TO REMAIN ON THE SIDE OF THE BUILDING AS BUILT, AND REQUIRING THE APPLICANT COMPLY WITH ALL OTHER ORIGINAL CONDITIONS OF APPROVAL.

The Planning Commission requested staff ensure the second building comply with the conditions, as modified by Resolution 2017-01.

Vote: (7/0: McKinney, Hutchinson, Cross, Lyons, Roberts, Watford, Plummer)

AYES: Commissioner: McKinney, Hutchinson, Cross, Lyons, Roberts, Watford, Plummer

NOES: Commissioner:

ABSTAINED: Commissioner:

ABSENT: Commissioner:

## **8. OLD BUSINESS**

Chairman Plummer asked if there was an old business. There was none.

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**9. NEW BUSINESS**

Chairman Plummer asked if there was any new business. There was none.

**10. COMMISSIONER COMMENTS**

Chairman Plummer asked if there were any Commissioner comments.

Commissioner Lyons asked for an update on the grass being installed in the park at Sorrento.

Jim Bermudez, Division Services Manager stated he would provide an update at the next Commission Meeting. Mr. Bermudez noted that this project is under our Engineering department so he would need to make contact with them for the progress.

Commissioner Cross asked what the City's position was on graffiti. Commissioner Cross noted that on Santa Clara Street near the park several of the sign have been tagged and asked what the process was for getting that removed.

Jim Bermudez, Division Services Manager informed the Commission that it would be a combination of code enforcement and police but that someone would need to initiate the request.

Commissioner Watford noted the recent activity with the Orville dam and asked what Lincoln's emergency action plans included.

Chairman Plummer thanked Leslie Walker, Assistant City Attorney for the memo that she provided regarding ex parte communications.

**11. STAFF UPDATES**

Chairman Plummer asked if there were any staff updates.

Jim Bermudez, Division Services Manager asked if staff could provide an update for the Planning Commission Academy. Angela Alloway, Senior Administrative Analyst stated that the City was able to send two Commissioners, Commissioner Cross and Commissioner McKinney and also one staff member, Steve Prosser to the Planning Commission Academy in Los Angeles. Angela noted that we will send the remaining Commissioners when the academy returns to Northern California next year.

Matt Wheeler, Community Development Director informed the Commission that the City is looking to go wireless within the next year or so.

**12. MEETING ADJOURNMENT**

**The meeting adjourned at 8:20 p.m.**

SUBMITTED BY:

Angela Alloway, Secretary